

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Felipe Conde, on behalf of himself and  
others similarly situated,

Plaintiff,

-against-

ROM Grocery Corp. d/b/a Bagels & Schmear  
et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 3/15/2021

1:20-cv-02086 (KPF) (SDA)

ORDER

**STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:**

This case contains one or more claims arising under the Fair Labor Standards Act. The parties apprised the Court on March 5, 2021 that a settlement has been reached. The parties thereafter consented to have all proceedings held before me. (ECF No. 26.) In light of the requirements of *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), the parties must file a joint letter or motion that addresses whether the settlement is fair and reasonable.

Any such letter or motion shall be filed by Monday, March 29, 2021, and should address the claims and defenses, the defendants' potential monetary exposure and the bases for any such calculations, the strengths and weaknesses of the plaintiff's case and the defendants' defenses, any other factors that justify the discrepancy between the potential value of plaintiff's claims and the settlement amount, the litigation and negotiation process, as well as any other issues that might be pertinent to the question of whether the settlement is reasonable (for example, the collectability of any judgment if the case went to trial).

The joint letter or motion should also explain the attorney fee arrangement, attach a copy of the retainer agreement, and provide information as to actual attorney's fees expended and

the relevant experience of the attorney(s). Finally, a copy of the settlement agreement itself must accompany the joint letter or motion.

**SO ORDERED.**

Dated: New York, New York  
March 15, 2021

*Stewart D. Aaron*

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STEWART D. AARON  
United States Magistrate Judge